

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

VIVIAN SAENZ	§	CIVIL ACTION NO. <u>7:15-cv-218</u>
vs.	§	JURY DEMANDED
ADIZJON RAZIKOV, Individually, RYDER TRUCK RENTAL, INC., and ROADTEX TRANSPORTATION CORPORATION	§	
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**DEFENDANTS ADIZJON RAZIKOV, INDIVIDUALLY, AND RYDER TRUCK RENTAL, INC.'S NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW ADIZJON RAZIKOV, INDIVIDUALLY AND RYDER TRUCK RENTAL, INC.,

Defendants herein, and pursuant to 28 U.S.C. Sections 1441, 1446(b) and 1332, file this, their Notice of Removal, and in connection therewith would respectfully show the Court the following:

**I.**

Pursuant to 28 U.S.C. § 1441, *et seq.*, this civil action is removed from the 389<sup>th</sup> Judicial District Court of Hidalgo County, Texas, where this matter was pending under Cause No. C-1278-15-H, styled *Vivian Saenz vs. Adizjon Razikov, Individually, Ryder Truck Rental, Inc., and Roadtex Transportation Corporation*.

**II.**

Plaintiff's lawsuit arises from an automobile accident that took place in Pharr, Hidalgo County, Texas, prior to the filing of Plaintiff's Original Petition. Plaintiff seeks actual damages, past and future physical pain and suffering, mental anguish, past and future physical impairment,

past and future loss of earnings, loss of consortium, past and future medical expenses, and exemplary damages. *See Plf's Orig. Pet.* pgs. 5-6 at *Tab 1*.

### **III.**

The District Courts of the United States have original jurisdiction over this action based on diversity of citizenship among the parties, in that the Petitioners are diverse in citizenship from the Plaintiff. Petitioner, Adizjon Razikov, is a citizen of the State of New York at the time of the filing of this Notice of Removal.

Petitioner Ryder Truck Rental, Inc., is a corporation organized under the laws of State of Florida and has its principal place of business in the State of Florida.

Petitioner Roadtex Transportation Corporation, is a corporation organized under the laws of the State of New Jersey and has its principal place of business in the State of New Jersey.

Therefore, no Defendants are citizens of the State of Texas.

### **IV.**

The Plaintiff Vivian Saenz, is domiciled in Hidalgo County, in the State of Texas and was domiciled there at the time this action was commenced. Plaintiff was at the time and is now a citizen of the State of Texas.

### **V.**

For the reasons set forth below, the amount in controversy in this action exceeds, exclusive of interests and costs, the sum of seventy-five thousand dollars (\$75,000.00). Should Plaintiff prevail on the claims against Defendants stated in the Plaintiff's Original Petition, attached to this Notice, Plaintiff would be entitled to damages in excess of seventy-five thousand dollars (\$75,000.00).

**VI.**

Removal of this action is proper under 28 U.S.C. §1441, since it is a civil action brought in a state court, and the federal district courts have original jurisdiction over the subject matter under 28 U.S.C. §1332 because the Plaintiff and Defendants are diverse in citizenship and the amount in controversy exceeds seventy-five thousand dollars (\$75,000.00).

**VII.**

This Notice of Removal is being filed pursuant to 28 U.S.C. §1446(b), which states in pertinent part “the notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based...” 28 U.S.C. §1446(b)(1). Petitioners hereby file this Notice of Removal within 30 days of Petitioners’ receipt of Plaintiff’s Original Petition.

**VIII.**

Defendants has attached to this Notice of Removal the documents required by 28 U.S.C. §1446(a) and Local Rule 81 as follows:

- (a) Index of all attachments, including a copy of the state-court docket sheet and a copy of each document filed in the State Court Action;
- (b) All executed process in the State Court Action; and
- (c) List of all counsel, including addresses, telephone numbers and parties represented.

Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the action has been pending.

**WHEREFORE**, ADIZJON RAZIKOV, INDIVIDUALLY AND RYDER TRUCK RENTAL, INC., Defendants in this action, pursuant to these Statutes and removes this action for trial from the

389<sup>th</sup> Judicial District Court of Hidalgo County, Texas, to this Court, on the 11<sup>th</sup> day of May, 2015.

Respectfully submitted,

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*Attorney In Charge for Defendants  
Adizjon Razikov and Ryder Truck  
Rental, Inc.*

**CERTIFICATE OF SERVICE**

A copy of the foregoing was filed with the Court via CM/ECF on May 11, 2015. A copy was served upon all counsel of record automatically by the CM/ECF system.

Mr. Toribio "Terry" Palacios  
Ms. Audra Palacios Cruz  
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/s/ Carla Saenz Martinez  
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